

REMARKS

Claims 1-17 are pending in this application. All of the pending claims are rejected. None of the claims are currently amended. Reconsideration and further examination are respectfully requested.

Claim 1 is rejected under 35 U.S.C. 103(a) based on Cook in view of Kang. With regard to the limitation “converting a selected access point into a probe device,” the Office references Cook at column 3, lines 56-64. Applicant respectfully traverses. The cited passage of Cook describes operations performed by a base station controller which is indirectly coupled with mobile phones via base station transceivers. As such, the base station controller is not analogous to an access device. Further, assuming a base station controller is analogous to an access point, there is no teaching that the base station controller be **converted** to a probe device. Indeed, the opposite is true; the base station controller continues to function as a base station controller while performing the described operations because those operations are normal base station controller operations. In contrast, the claimed access point is temporarily **converted** into a probe device, i.e., no longer functioning as an access point while functioning as a probe device. Being operable to function as either access device or probe device distinguishes the claimed invention from the cited combination. In particular, claim 1 distinguishes the cited combination by reciting “converting a selected access point into a probe device.”

Claims 2-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cook in view of Sherlock. With regard to the limitation “means for selectively operating as either the access device or the probe device in response to receipt of a command at the device,” the Office again cites Cook at column 3, lines 56-64. Applicant respectfully traverses. The base station controller is not an access device, and there is no teaching in Cook that the base station controller can

selectively operate as either access device or probe. Again, the opposite is true, i.e., the base station controller continues to function as a base station controller while performing the described operations, because those operations are normal base station controller operations. In contrast, as recited in claim 11 the access device operates “as **either** the access device **or** the probe device,” (emphasis added) meaning not both simultaneously. Claim 11 therefore distinguishes the cited combination by reciting “means for selectively operating as either the access device or the probe device.”

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited. Should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Applicants' Attorney at the number listed below so that such issues may be resolved as expeditiously as possible.

Respectfully Submitted,

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Date

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